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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JENEANE BAQUE, *et al.*,  
  
Plaintiffs,  
  
vs.  
  
MEDTRONIC, INC.,  
  
Defendants.

No.: 3:07-cv-5352-WHL

**DECLARATION OF DANA A.  
BLANTON IN SUPPORT OF  
DEFENDANT'S MOTION TO STAY  
PROCEEDINGS PENDING DECISION  
BY THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION ON  
PENDING MOTIONS FOR TRANSFER**

Hearing Date: January 10, 2008  
Time: 8:00 a.m.  
Courtroom: Courtroom 9, 19<sup>th</sup> Fl.  
Compl. Filed: October 19, 2007  
Trial Date: None Set

Honorable William H. Alsup

1 I, Dana A. Blanton, declare:

2  
3 1. I am an attorney duly admitted to practice law in the State of California and an  
4 attorney at Reed Smith LLP, counsel in this action for defendant Medtronic, Inc. ("Medtronic"). I  
5 have personal knowledge of the facts set forth in this declaration and for those matters for which I  
6 do not have personal knowledge, I am informed and believe they are true.

7  
8 2. Over a dozen actions alleging claims related to Sprint Fidelis leads, including  
9 several putative class actions, have now been filed in other District Courts around the country,  
10 including the District of New Jersey, the District of Puerto Rico, the District of Minnesota, the  
11 Western District of Missouri, the District of Kansas, the Northern District of Iowa, the Eastern  
12 and Western Districts of Louisiana, District of North Dakota, Southern District of West Virginia,  
13 and the Southern District of Florida.

14  
15 3. Plaintiffs in three of the federal actions involving Sprint Fidelis leads have filed  
16 three separate motions with the Judicial Panel on Multidistrict Litigation seeking transfer and  
17 coordination or consolidation under 28 U.S.C. § 1407. A fourth plaintiff and Medtronic have each  
18 filed responses agreeing that transfer and coordination or consolidation is appropriate for this  
19 litigation. A fifth plaintiff has joined in one of the initial motions for transfer. Medtronic believes  
20 that the either the District of Minnesota or the Western District of Missouri are appropriate  
21 transferee courts for an MDL.

22  
23 4. Attached hereto as Exhibit "A" is a true and correct copy of the Motion of Plaintiffs  
24 Frederick Santitoro and Richard Kinney For Transfer and Consolidation of Related Actions  
25 Pursuant to 28 U.S.C. § 1407, filed on October 17, 2007.

26  
27 5. Attached hereto as Exhibit "B" is a true and correct copy of the Motion To Transfer  
28 And Consolidate Pursuant to 28 U.S.C. § 1407, filed by Plaintiff David Wood on October 17,

1 2007, in which plaintiffs argue that the District of Puerto Rico should be selected as the transferee  
2 court.

3  
4 6. Attached hereto as Exhibit "C" is a true and correct copy of the Response of  
5 Plaintiff Rodney C. Kesti to Motions by Plaintiffs Santitoro, Kinney and Wood to Transfer and  
6 Coordinate Actions in the Above Litigation, filed on or about November 5, 2007, in which  
7 plaintiff argues for transfer to the District of Minnesota.

8  
9 7. Attached hereto as Exhibit "D" is a true and correct copy of Plaintiffs' Motion For  
10 Transfer of Actions to the Southern District of Florida for Coordinated Proceedings Pursuant to 28  
11 U.S.C. § 1407, filed by plaintiffs Linda White and Doug Venning, filed on or about November 16,  
12 2007.

13  
14 8. Attached hereto as Exhibit "E" is a true and correct copy of the Memorandum of  
15 Law in Support of Motion of Plaintiff John North for Joinder in the Motion of Frederick Santitoro  
16 and Richard Kinney for Transfer and consolidation of Related Actions Pursuant to 28 U.S.C. §  
17 1407, filed on or about November 27, 2007.

18  
19 9. Attached hereto as exhibit "F" is a true and correct copy of the order staying  
20 proceedings pending the JPML's ruling on transfer and coordination or consolidation in *Luisi v.*  
21 *Medtronic, Inc., et al.*, Case No. 07-4250 (RHK) (D. Minn. Nov. 5, 2007).

22  
23 10. Attached hereto as Exhibit "G" is a true and correct copy of the order staying  
24 proceedings pending the JPML's decision on transfer and consolidation or coordination in *White*  
25 *v. Medtronic, Inc., et al.*, Case No. 07-4412 (RHK) (D. Minn. Nov. 7, 2007).

1           11. Attached hereto as Exhibit “H” is a true and correct copy of the order staying  
2 proceedings pending the JPML’s decision on transfer and consolidation or coordination in *Noonan*  
3 *v. Medtronic, Inc., et al.*, Case No. 07-4528 (D. Minn. Nov. 14, 2007).

4  
5           12. Attached hereto as Exhibit “I” is a true and correct copy of the order staying  
6 proceedings pending the JPML’s decision on transfer and consolidation or coordination in *Barrick*  
7 *v. Medtronic Worldwide Headquarters, et al.*, Case No. 3:07-4393 (MLC) (Dist. NJ Nov. 19,  
8 2007).

9  
10          13. Attached hereto as Exhibit “J” is a true and correct copy of the order staying  
11 proceedings pending the JPML’s decision on transfer and consolidation or coordination in  
12 *Alexander v. Medtronic, Inc.*, Case No. 07-4519 (DWF) (D. Minn. Nov. 27, 2007).

13  
14          14. Attached hereto as Exhibit “K” is a true and correct copy of the docket reflecting the  
15 “text only” order staying proceedings pending the JPML’s decision on transfer and consolidation  
16 or coordination in *Brown v. Medtronic, Inc., et al.*, Case No. 07-2542 (CM), Docket No. 7 (D.  
17 Kan. Nov. 29, 2007).

18  
19          15. Attached hereto as Exhibit “L” is a true and correct copy of the order staying  
20 proceedings pending the JPML’s decision on transfer and consolidation or coordination in  
21 *McNabb v. Medtronic USA, Inc.*, Case No. 07-0494 (DW) (W.D. Mo. Nov. 29, 2007).

22  
23          16. Attached hereto as Exhibit “M” is a true and correct copy of the docket in *Russell-*  
24 *Nelson, et al. v. Medtronic, Inc., et al.*, Case No. 07-1969 (GAG), Docket No. 24 (D.P.R. Nov. 13,  
25 2007), containing the “text only” order denying Medtronic's motion for a stay without prejudice to  
26 Medtronic's ability to renew its request on December 15, 2007 if the Panel by that date had not yet  
27 disposed of the MDL Motions.  
28

